

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on January 13, 2005. Claims 1-19 are pending in the application, and Claims 1-10 stand rejected. Claims 1-10 are amended and new Claims 11-19 are added by the present Amendment.

In the outstanding Office Action, Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4, 6-8 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,031,892 to Hurschman. Claims 5 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hurschman.

Applicants thank Examiner Leslie R. Deak for the courtesy of an interview extended to Applicants' representative on March 21, 2005. During the interview, amendments to the claims as herein presented were proposed, and arguments as hereinafter developed were presented. During the interview, the rejection under 35 U.S.C. § 112, second paragraph was discussed, including claim amendments that would overcome it. In addition, Applicants' representative explained that the element in Hurschman considered by the Examiner to be the small container recited in Claim 1 did not have an open mouth.

An agreement with respect to the claims was reached during the personal interview. As noted by Examiner Deak in the interview summary (form PTOL-413), Applicants' representative "[d]iscussed changing "capable of" language to "configured to" language, Examiner agreed that Hurschman reference lacked an open mouth. Claim 8 is stronger as dependent on claim 1, since the container and trench can be found in any art. Furthermore, the limitations of Claim 6 appear to be patentable and make Claim 1 stronger. With regard to the method claimed in Claim 10, some recitation drawn to the rotational motion of the device would appear to make the method patentable over the prior art of record."

Based at least on the foregoing discussion and the results of the personal interview, Applicants respectfully submit that the above-summarized anticipation and obviousness rejections are now moot. Their withdrawal is respectfully requested.

As to the rejection under 35 U.S.C. §112, second paragraph, Applicants submit that the enclosed claim amendments have overcome this rejection and respectfully request its withdrawal. It is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

Finally, Applicants have submitted new Claims 11-19 in order to vary the scope of all pending claims. Non-limiting support for the subject matter of the new claims is found as follows:

- (1) as to Claim 11, support is self-evident from Claim 4;
- (2) as to Claim 12, on the originally filed figures of Applicants' specification;
- (3) as to Claim 13, on page 9, lines 20-22;
- (4) as to Claim 14, on page 10, lines 11-13;
- (5) as to Claim 15, on page 11, lines 17-29;
- (6) as to Claim 16, on page 12, lines 9 and 10;
- (7) as to Claim 17, on page 12, lines 14-17;
- (8) as to Claim 18, on page 13, lines 1-5; and
- (9) as to Claim 19, on page 13, lines 15-23.

Therefore, the new claims are not believed to raise any new matter issues.

New independent Claim 12 recites an infusion container, comprising, among other features, a movable protruding portion configured to allow communication of a medicine

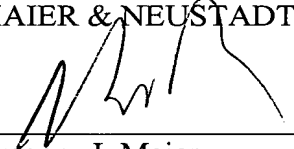
storing chamber with a dissolving liquid storing chamber through a hole by rotation of a capping member. Based at least on the above-noted discussions and the results of the personal interview, Applicants believe that Claim 12 patently distinguishes over Hurshman. By virtue of their dependency either from Claim 1 or Claim 12, Claims 11 and 13-19 are also believed to be allowable.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-19 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Robert T. Pous
Registration No. 29,099

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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